UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/51/L.46
21 November 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Slovenia, South Africa, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights questions: extrajudicial, summary or arbitrary executions

The General Assembly,

Considering that the subject of extrajudicial, summary or arbitrary executions has been discussed in the United Nations for many years within the framework of discussions on human rights based on the general recognition of the right to life of every person as guaranteed by the Universal Declaration of Human Rights, the provisions of the International Covenant on Civil and

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For the most recent resolutions, see General Assembly resolutions 49/191 of 23 December 1994 and Commission on Human Rights resolution 1996/74 of 23 April 1996, to be issued as Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23).

Resolution 217 A (III).

Political Rights and a large number of other international human rights instruments, that extrajudicial, summary or arbitrary executions can be fought effectively only through a genuine will on the part of the Governments to enforce the safeguards and guarantees for the protection of the right to life of every person, that declarations of commitment to the protection of the right to life by Governments are only effective if they are translated into practice and respected by all and that if the aim is protection of the right to life, the emphasis must be on prevention of all forms of violations of this fundamental right,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. Reaffirms Economic and Social Council decision 1995/284 of 25 July 1995, in which the Council approved the decision of the Commission on Human Rights in its resolution 1995/73 of 8 March 1995[2] to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for a three-year period and recommends that the Commission at its fifty-fourth session continue his mandate;

5. Takes note of the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions;[3]

6. Notes the important role the Special Rapporteur has played working towards the elimination of extrajudicial, arbitrary or summary executions;

7. Recalls that the Commission on Human Rights, in its resolution 1996/74, requested the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit his findings, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about such

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[1] See resolution 2200 A (XXI), annex.

[2] Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[3] A/51/457, annex.

serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in the defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee[a] in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

8. Reiterates that the Special Rapporteur has a need to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of all concerned, including Member States, in elaboration of his report;

9. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

10. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of the United Nations peacekeeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

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[a] See A/51/40, paras. 396-399.

[b] Resolution 44/128, annex.

11. Urges the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

12. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

13. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under the relevant provisions of international human rights instruments, taking into account the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

14. Requests the Secretary-General to inform the Commission on Human Rights of the implementation of Economic and Social Council decision 1995/284, keeping in mind the comments on this matter by the Special Rapporteur in his report,[1] in order to enable him to carry out his mandate effectively, including through country visits;

15. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

16. Requests the Special Rapporteur to submit to the General Assembly at its fifty-third session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon.

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[1] E/CN.4/1996/4, para. 619.